POSITION for the 25th session of the IOTC

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WWF Ocean Practice IOTC-2021-S25-NGO

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The Indian Ocean is the second-most productive ocean, essential for sustenance of millions of people. Despite all efforts, three out of four key species of tuna (albacore, bigeye and yellowfin) are currently facing overfishing, with yellowfin tuna already being overfished. WWF is deeply concerned about the failure by Contracting Parties and Cooperating Non-Contracting Parties (CPCs) to respond to long-term sustainability calls by several NGOs, markets and retailers to secure tuna fisheries to improve food security, livelihoods and income generation for coastal states, and to implement their own Resolution 12/01[1] and international instruments. WWF encourages all CPCs to adopt and implement meaningful actions by unlocking political will, including reaching agreement on the following priorities at the 25th Session of the Commission in June 2021:

- Adopt a robust and adequate **rebuilding plan for the Indian Ocean yellowfin tuna stock** in the IOTC area of competence, **applying a 20% reduction from 2017 levels**, ensuring that overall yellowfin catches are capped in the **lower MSY range (339,000 metric tonnes)**.
- Reduce the **environmental impact of FADs** through the mandatory use of electronic tracking and non-entangling and biodegradable FADs, and reduce their **impact on juvenile mortality of yellowfin tuna** from industrial fishing by setting, among other measures, four-month area closures.
- Address the deficiencies in the harvest control rules (Resolution 16/02) to **avoid overcatch of skipjack catches** and adopt **multi-species tropical tuna management measures** where the impact of a fishery (all gears combined) **cannot decrease co-dependent stocks to below MSY.**
- **Ban the use of large-scale driftnets** (i.e. over 2.5 km in length) and regulate driftnet/gillnet fisheries by improving data acquisition and **reducing their impact on ecosystems and marine megafauna.**
- **Ensure human safety** in tuna fisheries in the Indian Ocean.
- Improve conservation and management of **endangered, threatened and protected (ETP) species.**

[1] On the implementation of the precautionary approach for management of tuna stocks. IOTC CPCs have committed to international instruments (UNFSA, UNCLOS, among others) and have a shared responsibility to manage highly migratory species and shared stocks responsibly.

Detailed WWF Position

1. Adopt a **robust and adequate rebuilding plan** for the I**ndian Ocean yellowfin tuna** stock in the IOTC area of competence, applying a **20% reduction from 2017 levels**, ensuring that overall yellowfin catches are capped in the **lower MSY range (339,000 metric tonnes).**

The Indian Ocean yellowfin tuna rebuilding plan has a long history of ineffectiveness due to non-compliance and increased catches reported from exempted countries, leading to an overall increase of 3% and 10% respectively in 2017 and 2018, whereas, in 2019 the total catches of yellowfin increased by 5.22%. Moreover, there have been several iterations of the scientific committee (SC) and the projections provided by IOTC, which consisted of several uncertainties were unable to provide robust management advice for the yellowfin tuna stock to rebuild. In 2020, the IOTC - SC recommended that catches be reduced to at least below Cmsy i.e. 403,000 metric tonne (mt) and reminded that F2017 was 20% above the target reference point, while the spawning biomass was below 17% of the target reference point. The catch of yellowfin has increased since 2017 (when catch was 409,000 mt) to 437,000 mt in 2018 and 427,000 mt in 2019, increasing the risk that F has increased further above the Fmsy level in the period since the 2018 assessment.

A robust rebuilding plan for yellowfin tuna would include catch limits or reductions to achieve reduction in fishing mortality and increase the spawning biomass levels to optimum levels. WWF recommends the following for a period of two generations – around 10 years, as estimated by IOTC – in order to ensure the stock is rebuilt:

- Overall catches of yellowfin tuna are reduced by 20% from 2017 levels, capping the catches at the lower MSY range of 339,000 metric tonnes.
- All CPCs must agree to a modus operandi for the Indian Ocean yellowfin tuna rebuilding plan, ensuring that all CPCs reporting tuna are eligible for a reduction target, removing exemptions until the measure will be reviewed again.
- WWF urges all CPCs to set the reduction targets on the basis of fairness, equity and transparency.
- WWF encourages that 100% scientific observer programs be adopted for large-scale industrial vessels (electronic/and or human) to improve the data on yellowfin tuna and complement the rebuilding plan.
- Adopt comprehensive harvest strategies, expedite the process on management procedures and set biological target reference points for stock management for tuna and tuna like species.
- WWF encourages CPCs to support the adoption of PropF[E] ‘on an interim plan for rebuilding the Indian Ocean yellowfin tuna in the IOTC area of competence’, as a starting point for moving toward a meaningful rebuilding plan allowing a lower total allowable catch than MSY to be adopted.

2. **Reduce the environmental impact of FADs** through the mandatory use of electronic tracking, non-entangling and biodegradable FADs, and **impact on juvenile mortality of yellowfin tuna** from industrial fishing including four months of area closure.

The Indian Ocean region lacks effective management of FADs in terms of effort and verification. The FAD measures are currently included in Resolution 19/02, and its outcomes are to be reviewed by the Commission in 2022. It is critical for Contracting Parties to be able to implement the provisions of Resolution 19/02 as stated by 2021-2022. However, the intention at the special session was to propose further restrictions on the number of FADs and supply vessels, as a means to reduce juvenile yellowfin mortality to be complementary to the YFT CMM. The main reason behind this is that the Indian Ocean FAD-based purse seine fishery has a very high percentage of juvenile yellowfin tuna catch (around 25%[2]) of all other purse seine FAD-based fisheries and compared to a global average (around 16%).

WWF urges CPCs to reduce the environmental impact of FADs and shift to targeting tuna through free-swimming schools, and ensure that all/any FAD measures are complementary to stock rebuilding of yellowfin tuna;

- All CPCs must aim to reduce yellowfin juvenile mortality associated with tuna fishing and its ecological impacts, as best achieved by purse seine vessels, ensuring to have immediate area closures in high seas on the use of FADs for four months (120 days) between 0000 hours, 1 July and 0000 hours, 30 October each year.
- Reduce the use of drifting FADs, using precautionary approach and agreeing to a FAD limit of 100 operational (meaning continuously reporting) FADs per fishing vessel, at any time to be adopted.
- Drifting FADs (dFADs) deployed in the Indian Ocean purse seine fishery significantly contribute to the overfished state of yellowfin tuna due to its high catch of juveniles. CPCs must ensure monitoring the impacts on other tunas, and evaluate implications on stock health due to high juvenile take through excessive use of FADs to prevent growth overfishing of yellowfin tuna.
- CPCs shall ensure full transparency of dFAD operations, including submission of all data transmitted by operational buoys to an independent third party in near real-time, including verification and ownership, numbers, position from deployment until retrieval, species composition recorded by its size and weight, and reporting set by set data.
- To minimise their impacts on ETP species and broader ghost fishing impacts, no netting should be permitted in dFAD designs and all the materials used in the construction of dFADs should be fully biodegradable by the end of 2021, and ensure that 100% of all FADs deployed be retrieved.
- WWF calls on CPCs to adopt PropE[E] ‘on management of fish aggregating devices in the IOTC area of competence’ ensuring that dFAD limits are reduced significantly to minimize impact on juvenile mortality of yellowfin and closed areas are adopted.

3. Restrict skipjack catches to the total allowable catch (TAC) for 2018-2020 and 2021-2023 period(s) at 470,000 mt and 513,572 mt respectively, adopt multi-species tropical tuna management measures where the impact of a fishery (all gears combined) cannot decrease co-dependent stocks to below MSY.

Skipjack tuna has been assessed in 2020 using stock synthesis with data up to 2019, which did not change drastically from its previous assessment undertaken in 2017. This despite the

[2] Is it good or bad to fish with FADs? What are the real impacts of the use of drifting FADs on pelagic marine ecosystems? Laurent Dagorn, Kim N. Holland, Victor Restrepo & Gala Moreno. FISH and FISHERIES, 2013, 14, 391–415

high catches recorded in 2017-2019, where the skipjack catches reached a peak in 2018 over 30% of the threshold agreed by the IOTC as a catch limit from the skipjack harvest control rules (HCR) for the period 2018-2020 (470,029 mt). However, on the weight of evidence, it was revealed that skipjack spawning biomass was above the target reference point and fishing mortality below the target reference point, thus not overfished nor subject to overfishing. In 2020, the IOTC Scientific Committee determined a new catch limit based on skipjack HCR (resolution 16/02) at 513,572 mt for the period 2021-2023.

Moreover, the international community has reiterated the urgent need to further integrate ecosystem approaches into fisheries conservation and management addressing bycatch, habitat destruction and overfishing[3]. In IOTC, a tropical tuna CMM is essential to address the unsustainable race to fish where there is no mitigating impact on the other tropical tuna species. The impact of catches are exacerbated in tuna fisheries because the juvenile yellowfin tuna often school together with mature skipjack tuna, and the species are thus caught together. In this context, WWF urges CPCs to:

- Ensure that skipjack catches/TAC is maintained and catches do not exceed for 2018-2020
- Ensure that all skipjack catches remain within the TAC for the period 2021-2023 and determine the environmental impacts and extraordinary circumstances for evaluating a TAC based on HCR.
- It is evident that close monitoring is needed, and any decisions for skipjack must be complementary to rebuild yellowfin tuna stocks, through the adoption of a multi-species management reference point where the impact of a fishery (all gears combined) cannot decrease co-dependent stocks to below MSY.
- Accelerate the process of an ecosystem-based harvest strategy approach for all tropical tuna with a drastic reduction of fishing effort, area closures, gear type provision, and evaluate the effects of spatial/seasonal closures.
- WWF calls on CPCs to support the adoption of a proposal 'on harvest control rules for skipjack tuna in the IOTC area of competence', which ensures the catch limits are maintained at or below threshold level, and to reduce fishing mortality based on harvest control rules, if the catch limits are breached.

4. Regulate driftnet fisheries, improve data and reduce impact on ecosystems and marine megafauna.

The United Nations General Assembly (UNGA) Resolution 46/215 called for a global moratorium on large-scale high seas driftnet fishing in 1992. Since then, UNGA regulations have been translated into an IOTC resolution 12/12 and further superseded by resolution 17/07, which both prohibits the use of large-scale driftnets on the high seas and in the IOTC area of competence. However, some countries still use large-scale driftnets in both EEZ and high seas to target tuna. Based on the IOTC resolution 17/07, which comes into effect on 1 January 2022, WWF calls for urgent action from developing coastal states using large-scale driftnets to show their commitments to change and to ensure that there are support systems in place for implementing the UNGA and IOTC resolutions through the national

[3] See last Resolution adopted by the General Assembly on 10 December 2019. 74/18. Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.

program or legislation. Moreover, WWF urges the CPCs fishing tuna primarily with large-scale driftnets and IOTC - CPCs the following:

- Without prejudice to Article 16 of the IOTC Agreement, CPCs shall encourage phasing out or convert gillnet fishing vessels to other gears, considering the huge ecological impact of these gears and fast track the implementation of Resolution 17/07 *On the Prohibition to use large-scale driftnets in the IOTC.*
- CPCs engaged in driftnet fishing and use of more than 2.5 km length of nets must recommend IOTC to undertake a socio-economic study to determine the main drivers of the fishery, its economic implications and gear selectivity, developing and building rationale to shift to small-scale gillnet operations.
- All CPCs engaged in catch of large pelagics using gillnets/driftnets, including tuna, may be encouraged to have a time closure on the use of gillnets for at least two months starting from 0000 hours, 1 June and 0000 hours, 30 July of each year.
- WWF encourages CPCs engaged in catch of tuna primarily with drift gillnets to work alongside other CPCs and IOTC secretariat among other key stakeholders to transform gillnets and collectively work on proposing a new CMM regulating gillnets in the IOTC area of competence while adopting best practices for reduced bycatch.

5. Ensure human safety (including scientific observers) on large-scale tuna industrial vessels.

Data acquisition and validity are key for developing effective fisheries management. It is essential that observers be deployed to gather quality data to ensure long-term sustainability of tuna stocks. In addition to ensuring that fishing takes place legally and sustainably, observers have an obligation to report illegal activities. The very nature of their responsibilities leaves them at risk for intimidation and abuse. WWF welcomes the international recognition of the dangerous nature of these crucial jobs at sea. Yet increasing instances of fisheries observer deaths, as well as violations of fishing crew welfare, have been reported to authorities and NGOs in recent years. WWF is disturbed by this trend and takes these reports very seriously. Considering that the COVID-19 pandemic poses serious risk to human and crew health and safety, WWF calls on CPCs to:

- Adopt the Conservation and Management Measure for Observer Safety and Security similar to WCPFC (CMM 2017-01 and, building on the Resolution 2018-01) and develop Labour Standards for Crew on Fishing Vessels. Establish a formal and binding CMM on crew welfare.
- Propose and adopt a new resolution for Contracting Parties to ratify relevant conventions, such as the ILO 188, and take other measures to ensure safe and decent working and living conditions on board vessels.

6. Improve conservation and management of endangered, threatened and protected (ETP) species

WWF is committed to the protection and conservation of sharks and rays, sea turtles, seabirds and marine mammals, and recognizes the urgent support for proposals to improve the protection and recovery of these key species. WWF supports the measures currently adopted by IOTC for sharks, however, the pace of management improvements is behind that required to address alarming declines in pelagic shark and ray populations in the Indian Ocean. WWF urges all CPCs to prioritize ETP species conservation and management and expedite the adoption of mitigation measures, in addition to the following;

For sharks and rays

- Develop recovery plans for shark species in dire need of attention, such as scalloped hammerhead, oceanic whitetip and short-fin mako, which have progressively shown signs of decline in abundance and class-size. Given the perilous state of some of these sharks and rays, the IOTC Parties should proceed with developing recovery plans for the most threatened species even if IOTC has not yet been able to undertake a stock assessment. The FAO Code of Conduct for Responsible Fisheries, and CBD Aichi Target 6 state that recovery plans should be put into place for depleted species.
- Continue to work with interested and affected parties to implement improved practices to ensure live and uninjured release of sharks and rays in all fisheries and calls on the Scientific Committee to hold a workshop for best practice for new and innovative release techniques that can be implemented by fishing vessels.
- Continue the bycatch working group within the Kobe joint tRFMO process in order to develop and share approaches across tRFMOs to evaluate the implementation and effectiveness of bycatch CMMs.

For sea turtles

- Improve data collection and reporting for sea turtles and implement the Scientific Committee advice on reporting sea turtles at the species level by making amendments to IOTC resolution 12/04.

For seabirds

- Encourage Contracting Parties to amend the Resolution 12/06 on seabird conservation to include hook-shielding devices as a possible mitigation measure and require that all seabirds are identified to species level.

For cetaceans

WWF is concerned about the state of marine mammals in the Indian Ocean, as inaction is resulting in ongoing declines in cetacean populations. It is estimated that over 100,000 (individuals) cetaceans may be caught in the Indian Ocean tuna fisheries each year. WWF urges Contracting Parties to:

- Report sighting data from observer or equivalent data collection programmes to ensure that any interactions with cetaceans are reported to the IOTC.
- Work with the International Whaling Commission Bycatch Mitigation Initiative to develop and implement bycatch prevention and mitigation options for small and large cetaceans that may interact with tuna vessels.
- WWF encourages CPCs to support adoption of PropB[E] to amend Resolution 13/04 on the conservation of cetaceans to include longline, gillnets and other gear types. Also ensure that artisanal/small-scale tuna fisheries causing cetacean bycatch within EEZs report their interactions with dolphins, porpoises or other small cetaceans to the IOTC and remove discrepancies on reporting requirements in para 9.

Conclusion

WWF is disappointed that the IOTC special session in March 2021 did not yield any positive result and believes that there are several other elements of the tuna fisheries management that are not yet well-defined and determined in the IOTC CMMs. For instance, reporting requirements for small-scale fisheries (vessels less than 24 m) and artisanal fisheries are not clearly articulated. Moreover, due to the ongoing global pandemic, onboard human observer coverage has been reduced or completely removed due to health and safety issues. As a result, robust data estimates from both industrial and small-scale/artisanal fisheries are clear shortcomings in improving the management of tuna fisheries in the Indian Ocean.

WWF remains committed to support the developing coastal states in improving data collection, reducing impact of fisheries on ETPs, phasing out gillnets, and ensuring overall health of the ocean is improved through a robust recovery/rebuilding plan for the yellowfin tuna management which are ultimately managed at a biological limit.

Considering the current state of play, WWF urges that all these rules of the games must be developed through a management procedure process and ahead of time, rather than being subjective and adopted on an ad-hoc basis.

WWF is ready to support coastal states in facilitating projects for improved data collection from small-scale fisheries, in addition to providing capacity building and tools for developing training courses for improving species identification by operators/skippers and crew to improve conservation and management of ETP species leading to improved handling, release and reporting. WWF remains committed to the long-term sustainability of ocean resources and securing its vitality for food security, ocean resilience, ecosystem health and means of income generation and jobs for coastal communities.